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VIA E-FILING AND HAND DELIVERY

Chief Judge Sue L. Robinson
 U.S. District Court
 844 North King Street
 Wilmington, Delaware 19801

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**Re: Dakota Imaging, Inc. v. Sandeep Goel and Pradeep Goel
 Civil Action No. 05-296-SLR**

Dear Chief Judge Robinson:

We just received a service copy of Mr. Robinson's letter reporting on the status of this case, which report appears to have been served in response to a request from the Court. We had not received any notice that the Court had requested a status report, nor were we provided any opportunity to review or comment on Mr. Robinson's report. Two points in that report merit clarification.

First, Envoy has previously signaled its intention to amend the complaint to add new claims for misrepresentation even though Envoy has long argued that adding those claims will divest this Court of jurisdiction. To the extent its unilateral status report now claims that jurisdiction will not be divested, this represents a significant and, as yet, unexplained change in position. If Envoy ever moves to so amend its pleadings, the jurisdictional issues must be resolved before our merits defenses can be considered.

Second, as to the Second Year Earnout, the parties indeed agreed that pending the decision of the arbitrator as to the First Year Earnout, all rights to dispute the Second Year Earnout are preserved. Those rights, *however*, are not limited to arbitration regarding the Second Year Earnout. Envoy has been notified that the Goels reserve their rights to raise the failure to receive earnout payments in year two as part of the claims before this Court.

Respectfully submitted,

/s/ Daniel V. Folt
 Daniel V. Folt (I.D. No. 3143)

cc: Michael R. Robinson, Esq. (*via e-filing*)

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